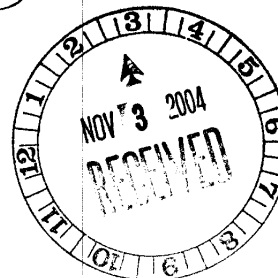


WEINER BRODSKY SIDMAN KIDER PC

1300 NINETEENTH STREET NW  
FIFTH FLOOR  
WASHINGTON DC 20036 1609  
TEL 202 628 2000  
FAX 202 628 2011

212443

November 3, 2004



**BY HAND**

Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423

ENTERED  
Office of Proceedings

NOV 3 2004

Part of  
Public Record

Re: Docket No. AB-391 (Sub-No. 10X), Red River Valley & Western Railroad  
Company -- Abandonment -- In Foster and Wells Counties, North Dakota

Dear Secretary Williams:

On October 14, 2004, Red River Valley & Western Railroad Company filed a Verified Notice of Exemption of, pursuant to 49 C.F.R. § 1152.50, in the above-referenced proceeding. The Environmental and Historic Report (the "Report") is attached to the Verified Notice of Exemption as Exhibit D. It has come to our attention that the letter from the North Dakota State Water Commission, referred to as Attachment 12 on page 7 of the Report, was inadvertently omitted from the Report (as was the cover page for Attachment 13).

Accordingly, enclosed for filing in this proceeding are 11 copies of (1) the letter from the North Dakota State Water Commission (which should be inserted in the Report immediately following the Attachment 12 cover page), and (2) the cover page for Attachment 13 (which should be inserted in the Report immediately following the North Dakota State Water Commission letter).

Please acknowledge receipt of this letter by date-stamping the enclosed acknowledgment copy and returning it to our messenger.

Very truly yours,

Rose-Michele Weinryb

Enclosures

WEINER BRODSKY SIDMAN KIDER PC

cc: (with one copy of each enclosure, by first-class mail):

Department of Commerce  
Division of Community Services  
Attn: Paul Govig, Director  
1600 East Century Avenue  
Suite 2  
Bismarck, ND 58502

U.S. Environmental Protection Agency  
Region No. 8  
Attn: Regional Administrator, Robbie Roberts  
999 18th Street, Suite 300; RA  
Denver, CO 80202-2466

US Army Corps of Engineers  
Omaha District  
Regulatory Branch  
12565 West Center Road  
Room 151  
Omaha, NE 68144-3869

State Single Point of Contact  
Governor's Office  
600 East Boulevard Avenue  
Department 101  
Bismarck, ND 58505-0001

Department of Interior  
National Park Service  
National Center Recreation and Conservation  
1849 C Street, NW  
ORG Code 2220  
Washington, D.C. 20240

Frank Maida  
Chief, Spatial Reference System Division  
Department of Commerce - NOAA  
National Geodetic Survey; N/NGS12  
1315 East West Highway  
Silver Spring, MD 20910-3282

North Dakota Department of Health  
Environmental Health Section  
Attn: Chief David Glatt  
P.O. Box 5520  
1200 Missouri Avenue  
Bismarck, ND 58506-5520

US Fish and Wildlife Service, Region 6  
Attn: Regional Director, Ralph O. Morgenweck  
P.O. Box 25486  
Denver Federal Center  
Denver, CO 80225

Stanley E. Tracey  
Assistant District Counsel  
Department of the Army  
Corps of Engineers, Omaha District  
106 South 15th Street  
Omaha, Nebraska 68102-1618

US Army Corps of Engineers  
North Dakota Regulatory Office  
Attn: Dan Zinarosti, Project Manager  
1513 South 12th Street  
Bismarck, N.D. 58504

Natural Resources Conservation Service (NRCS)  
Attn: J.R. Flores, State Conservationist  
220 E. Rosser Avenue  
P.O. Box 1458  
Bismarck, ND 58502-1458

Historical Society of North Dakota  
Heritage Center  
Attn: Duane Klinner, Project Review Coordinator  
612 East Boulevard Avenue  
Bismarck, ND 58505

WEINER BRODSKY SIDMAN KIDER PC

North Dakota Public Service Commission  
Attn: Illona Jeffcoat-Sacco, Executive  
Secretary  
State Capitol  
600 East Boulevard Ave.  
Department 408  
Bismarck, ND 58505-0480

Department of Interior  
National Park Service  
Land Resource Division  
Attn: Bill Shaddox  
1849 C Street, NW  
Washington, D.C. 20240

North Dakota Department of Agriculture  
Attn: Roger Johnson, Commissioner  
600 East Boulevard Avenue  
Department 602  
Bismarck, ND 58505-0020

U.S. Fish and Wildlife Service  
Attn: Jeffrey Towner, Field Supervisor  
3425 Miriam Avenue  
Bismarck, ND 58501

ND State Water Commission  
Attn: Dale Frink, State Engineer  
900 East Boulevard Avenue  
Bismarck, ND 58505

Wells County Commissioners  
P.O. Box 37  
Fessenden, ND 58438

MTMC-TEA  
Railroads for National Defense Program  
Attn: Robert Korpanty  
720 Thimble Shoals Boulevard  
Suite 130  
Newport News, VA 23606-2574

U.S. Department of Agriculture  
Attn: Dan Bosworth, Chief of Forest Service  
201 14th Street, S.W., Room 4 North West  
Washington, D.C. 20090

USDA-NRCS  
Room 6001  
Attn: Mr. Merlin Bartz  
Regional Assistance Chief for the Central U.S.  
14<sup>th</sup> & Independence Avenue, SW  
Washington, D.C. 20250

ND Department of Transportation  
Attn: Planning Division  
608 East Boulevard Avenue  
Bismarck, ND 58505-0700

Foster County Commissioners  
1000 5th Street North  
Carrington, ND 58421

National Park Service  
Midwest Region  
Attn: Regional Director  
601 River Front Drive  
Omaha, NE 68102-4226

**RED RIVER VALLEY & WESTERN RAILROAD COMPANY**

**ENVIRONMENTAL AND HISTORIC REPORT**

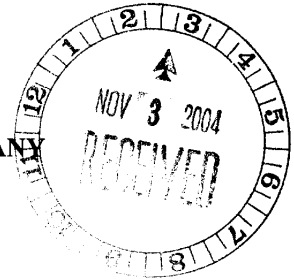
**MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8**

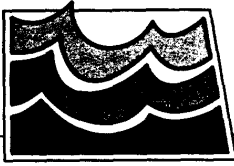
**DOCKET NO. AB-391 (Sub-No. 10X)**

---

**ATTACHMENT 13**

---





## North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850 • 701-328-2750  
TDD 701-328-2750 • FAX 701-328-3696 • INTERNET: <http://www.swc.state.nd.us/>

August 11, 2004

Rose-Michele Weinryb  
Weiner Brodsky Sidman Krider  
1300 Nineteenth Street NW  
Washington, DC 20036-1609



AUG 16 2004

Dear Ms. Weinryb:

This is in response to your request for review of environmental impacts associated with Docket No. AB391 (Sub-No. 10X), the abandonment of rail lines of the Red River Valley & Western Railroad Company, in Foster and Wells Counties, North Dakota.

The proposed project has been reviewed by State Water Commission staff members and the following comments are provided:

- The property is not located in an identified floodplain and it is believed the project will not affect an identified floodplain.
- All waste material associated with the project must be disposed of properly and not placed in identified floodway areas.

There are no other concerns associated with this project that affect State Water Commission or State Engineer regulatory responsibilities.

Thank you for the opportunity to provide review comments. If you have any questions, please call me at 328-4969.

Sincerely,

Larry Knudtson  
Research Analyst

LJK:1570

JOHN HOEVEN, GOVERNOR  
CHAIRMAN

DALE L. FRINK  
SECRETARY AND STATE ENGINEER